

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNDERWRITERS INSURANCE CO.,

Plaintiff,

v.

MICHAEL PETERS YACHT DESIGN, & BLACK
THUNDER POWERBOATS, a/k/a BLACK THUNDER,
INC.,

Defendants.

CIVIL ACTION NO. 04-11392-
DPW

**ASSENTED TO JOINT MOTION BY THE DEFENDANTS TO EXTEND
TIME WITHIN WHICH TO RESPOND TO THE PLAINTIFF'S
COMPLAINT**

Now come the Defendants, Michael Peters Yacht Design and Black Thunder Powerboats a/k/a Black Thunder, Inc. (hereinafter the "Defendants"), and respectfully request, pursuant to Rule 7.1 of the Local Rules of the United States District Court for the District of Massachusetts, that this Court grant them an extension of time to November 22 within which to answer or otherwise respond to the Plaintiff's Complaint. In support of this assented-to Motion, the Defendants state:

1. The Plaintiff filed this action on June 18, 2004.
2. Michael Peters Yacht Design's response to the Plaintiff's Complaint is due to be served and filed on or before November 1, 2004.
3. Black Thunder Powerboats' response to the Plaintiff's Complaint is due to be served and filed on or before November 3, 2004.
4. Both Defendants are in need of additional time beyond November 3, 2004 to prepare either a motion or responsive pleading to the Complaint.
5. Counsel for Black Thunder Powerboats a/k/a Black Thunder, Inc. (hereinafter "Black

Thunder”) is scheduled to appear for trial on November 8, 2004 and requires adequate time to prepare for same.

6. In addition, Black Thunder’s representatives are currently out of town and unavailable for consultation with counsel. Said consultation is necessary for counsel’s preparation of the Black Thunder’s responses to the Plaintiff’s allegations.
7. Counsel for Michael Peters Yacht Design (hereinafter “Peters”) has just been retained and is also in need of additional time to consult with his client.
8. Opposing counsel for the Plaintiff, Philip Hirshberg, assents to the Defendants’ requested extension.
9. The extension prayed for will not interfere or conflict with any court proceedings in this matter.
10. Inasmuch as the relief sought by the Defendants herein is within the sound discretion of the court, no memorandum of law is necessary.

WHEREFORE, the Defendants respectfully request that the Court grant both of the Defendants an extension of time up to and including November 22, 2004, within which to file an answer or other response permitted under applicable rules of court.

Respectfully submitted,
BLACK THUNDER POWERBOATS
By Its Attorneys,

/s/ Sara Discepolo
George C. Rockas, BBO#544009
Sara Discepolo, BBO #628721
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

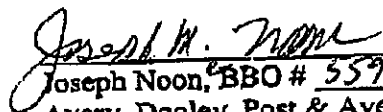
Dated: October 29, 2004

10-28-04 10:52am From-WEMED BOSTON

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T-201 P.004/000 F-346

MICHAEL PETERS YACHT DESIGN,
By Its Attorney,

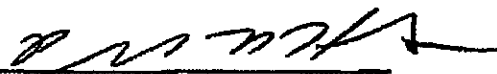

Joseph Noon, BBO # 359644
Avery, Daoley, Post & Avery
90 Concord Avenue
Belmont, MA 02478
(617) 489-5300
Dated: October 28, 2004

10-28-04 11:38AM FROM-NEWB BOSTON

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1-243 P.000/000 P-300

Assented to by the Plaintiff,
UNDERWRITERS INSURANCE CO.,


Philip M. Hirshberg, BBO # 567234
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210-1181
617-439-7500
Dated: October 29, 2004

RULE 7.1 CERTIFICATION

The undersigned certifies that a conference concerning the above Motion took place with opposing counsel in a good faith attempt to resolve or narrow the issues and opposing counsel assents to the above Motion.

/s/ Sara Discepolo
Sara Discepolo
Counsel to Black Thunder Powerboats
a/k/a Black Thunder, Inc.


10-28-04 10:52am From:WEMED BOSTON

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T-291 P.007/008 F-346

RULE 7.1 CERTIFICATION

The undersigned certifies that a conference concerning the above Motion took place with opposing counsel in a good faith attempt to resolve or narrow the issues and opposing counsel assents to the above Motion.


Joseph Noone

Counsel to Michael Peters Yacht Design

CERTIFICATE OF SERVICE

I, Sara Discepolo, hereby certify that I electronically filed the foregoing on this 29th day of October 2004, and served courtesy copies to all pro se parties/counsel of record by mailing a copy of the same, via first class mail, postage prepaid to:

Philip M. Hirshberg, Esq.
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210-1181

Joseph Noone, Esq.
Avery, Dooley, Post & Avery
90 Concord Avenue
Belmont, MA 02478

/s/ Sara Discepolo
Sara Discepolo